

**Belle Plaine**  
**Orderly Annexation**  
**Board Meeting**  
**May 6, 2020**  
**6:15 PM**

**Belle Plaine City Hall**  
**218 North Meridian Street**  
**Belle Plaine, MN 56011**



218 North Meridian Street  
Belle Plaine, MN 56011  
952 873-5553  
[www.belleplainemn.com](http://www.belleplainemn.com)

## **Belle Plaine Orderly Annexation Board Meeting**

**Wednesday, May 6, 2020**

### **AGENDA**

**I. ROLL CALL AND INTRODUCTIONS**

**II. APPROVAL OF MARCH 11, 2020 MINUTES**

**III. PUBLIC HEARING 6:15 PM LEVANDER REZONE REQUEST**

- A. Request to Rezone 40 Acres from Urban Expansion Reserve (UER) to Urban Expansion Reserve Cluster (UER-C)

**Location:** Section 9

**Township:** Belle Plaine

**Current Zoning:** UER

**IV. GENERAL AND ADJOURN**

**CITY OF BELLE PLAINE  
BELLE PLAINE TOWNSHIP  
ORDERLY ANNEXATION MEETING  
March 11, 2020**

**I. ROLL CALL AND INTRODUCTIONS**

The Orderly Annexation Joint Annexation Board for the City of Belle Plaine and Belle Plaine Township met on Wednesday, March 11, 2020 at City Hall, 218 North Meridian Street, Belle Plaine, MN. Chair Meyer called the meeting to order at 6:15 PM with Commissioner Ashley Cauley, David Entinger, Myron Bratsch and Tom Wolf present.

Also present were Zoning Administrator Marty Schmitz, Community Development Director Smith Strack and City Administrator Meyer.

**II. APPROVAL OF PREVIOUS MEETING(S) MINUTES FROM DECEMBER 4, 2019**

MOTION by Commissioner Wolf, second by Commissioner Cauley to approve the minutes of December 4, 2019. ALL VOTED AYE. MOTION CARRIED.

**III. PUBLIC HEARING 6:15 PM VALLEY PAVING INTERIM USE PERMIT.**

A. Request for Interim Use Permit to operate a portable asphalt mixing plant for up to 240 hours during the 2020 construction season located in Belle Plaine Township (26.5 acres)

**Location:** Sections 4 & 5

**Township:** Belle Plaine

**Current Zoning:** UER

Mayor Meyer introduced the agenda item.

Community Development Director Smith Strack explained this is the second request on the Kornder pit property which is under county jurisdiction. Smith Strack noted a difference in operating hours from 7:00 AM – 7:00 PM to 6:00 AM – 7:00 PM. Smith Strack explained the City has not received any complaints on the property.

Zoning Administrator Schmitz explained the site map of Ted and Mary Kornder is agriculture plus two mines with access to county road 66. Schmitz noted the county has allowed an interim use permit and this is a request to run a second year. Schmitz explained Valley Paving ran 237 hours last year and produced 65,618 tons of asphalt. Schmitz noted the site was a held a training in 2019 for the Fire Department. Schmitz explained the existing conditions are still in place with a change to the start time being adjusted to 6:00 AM Monday to Saturday. Schmitz explained the request was brought before the Belle Plaine Township on February 4 and was recommended for approval.

Chair Meyer inquired if sales of material will continue on the old gas station site. Valley Paving explained his company is not leasing the area this year and noted the area will be reclaimed and the site cleaned.

Chair Meyer opened the Public Hearing at 6:22 PM and asked for public comment.

No one spoke at the public hearing.

MOTION by Commissioner Wolf, second by Commissioner Cauley to close public hearing at 6:22 PM. ALL VOTED AYE. MOTION CARRIED.

MOTION by Commissioner Wolf, second by Commissioner Bratsch to approve the Interim Use Permit PL2020-004. ALL VOTED AYE. MOTION CARRIED.

**IV. ELECTION OF OFFICERS FOR 2020.**

MOTION by Commissioner Wolf, second by Commissioner Cauley to elect Chris Meyer as Chair. ALL VOTED AYE. MOTION CARRIED.

MOTION by Commissioner Wolf, second by Commissioner Cauley to elect Myron Bratsch as Vice Chair. ALL VOTED AYE. MOTION CARRIED.

**V. GENERAL AND ADJOURN.**

MOTION by Commissioner Wolf, second by Commissioner Bratsch to adjourn the meeting at 6:25 PM. ALL VOTED AYE. MOTION CARRIED.

Respectfully Submitted

Renee Eyrich  
Recording Secretary



## STAFF REPORT PREPARED FOR TOWNSHIPS & BELLE PLAINE ORDERLY ANNEXATION BOARD

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952)496-8653 • Fax (952)496-8496 • Web [www.co.scott.mn.us](http://www.co.scott.mn.us)

### Levander Rezoning PL2020-017

#### Request:

A) Rezoning of 40 acres from Urban Expansion Reserve, UER, to Urban Expansion Reserve Cluster District, UER-C.

Nathan Hall, Associate Planner, is the project manager and is available for questions at 952-496-8892.

#### General Information:

<b>Applicant:</b>	Candee Levander	<b>Site Location:</b>	9360 Union Hill Boulevard
<b>Property Owners:</b>	Candee Levander	<b>Township:</b>	Section 9, Belle Plaine
<b>Public Hearing Date:</b>	May 6, 2020	<b>Action Deadline:</b>	June 5, 2020 (60 Day)

#### Zoning/Comprehensive Plan Information:

<b>Zoning District:</b>	Urban Expansion Reserve	<b>Comprehensive Land Use Plan:</b>	Urban Expansion
<b>Overlay Zoning District:</b>	Shoreland	<b>School District:</b>	Belle Plaine #716
<b>Watershed District:</b>	Scott WMO	<b>Fire District:</b>	Belle Plaine
<b>Ordinance Sections:</b>	Chapter 31	<b>Ambulance District:</b>	Ridgeview

#### Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Applicant's Narrative
4. Certificate of Survey dated April 21, 2020
5. Environmental Services Memo
6. Township Recommendation

<b>Comprehensive Plan-</b>	The property is guided as Urban Expansion in the 2040 Comprehensive Plan as it is within the Belle Plaine Township and City of Belle Plaine Orderly Annexation Area
<b>Adjacent Land Use/Zoning-</b>	<u>North</u> – 40 acre agricultural parcel, zoned UER <u>South</u> – 60 acre ag parcel with home, zoned A-1 <u>West</u> – 80 acre ag parcel with home, zoned UER <u>East</u> – 75.5 acre ag parcel with home, zoned UER
<b>Existing Conditions-</b>	The property consists of an existing farmstead surrounded by open agricultural land to the west and to the east, as well as woodland in the northwest and the headwaters of a small tributary in the northeast.
<b>Ordinance Requirements-</b>	<u>Density</u> – 1 dwelling unit per 40 acres. 70% of the non-hydric land must be preserved on larger lot. <u>Lot Size</u> – 1 acre of non-hydric land and area to accommodate two septic drainfield locations. <u>Lot Width</u> – 100 feet <u>Structure Setbacks:</u> Front Yard: 150 feet from the centerline or 100 feet from the road right-of-way of a County or State road which ever is greater, 30 feet from local road right-of-way Side Yard: 15 feet Rear Yard: 30 feet
<b>Proposed Development-</b>	<u>Density</u> – 1 dwelling unit per 40 acres <u>Lot Size</u> – 5 acres for existing farmstead; The remaining agricultural parcel is 32.16 acres. <u>Lot Width</u> – 473 feet and over 761 feet <u>Setbacks</u> – The existing home does not meet the roadway setback but creation of the parcel will not create any additional nonconformities.
<b>Existing Roads-</b>	The property has frontage on Union Hill Boulevard, a paved Scott County highway.
<b>Proposed Roads-</b>	No new roads are proposed for this project.
<b>Public Hearing Notice-</b>	Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.

**Site Photo:**

View of the existing farmstead property and surrounding agricultural land.

**Background & Analysis**

Candee Levander is requesting to rezone 40 acres from UER, Urban Expansion Reserve, to UER-C, Urban Expansion Reserve Cluster District. The intent of the rezoning is to allow the existing farmstead to be split off from the surrounding agricultural land. Under the County Subdivision Ordinance, existing farmsteads or homesteads on parcels greater than 40 acres can be subdivided administratively; however, the rezoning is required to allow a parcel less than 40 acres to be created.

The subject parcel is the SW¼ of the NW¼ in Section 9 and is therefore deeded as 40 acres but was surveyed at 37.16. The parcel is located in Section 9, Belle Plaine Township, and is located within the Belle Plaine Township – Belle Plaine City Orderly Annexation Area (OAA). Under the OAA Agreement all land use decisions are made by the OAA Board. The Administrative Subdivision is reviewed by County staff for conformance to Ordinance performance standards. Under the UER-C zoning the development density is 1 dwelling unit per 40 acres, so the agricultural parcel would not be eligible for a building eligibility until the property is annexed and regulated by City of Belle Plaine land use regulations. As part of the Administrative Subdivision a deed restriction will be recorded on the agricultural parcel stating the parcel is for agricultural purposes and is not eligible for a residence/home.

Ms. Levander is proposing to create a 5 acre parcel around the existing home and agricultural buildings. The proposed farmstead parcel also contains a small wooded and wetland area. The remaining 32.16 acre parcel would surround the 5 acre parcel on three sides. Per Zoning Ordinance requirements for UER-C zoning the applicant is required to preserve at least 70% of non-hydric soils for future development.

**Environmental:** A compliance inspection was completed on the existing home and found the septic system to be non-compliant as it discharges to a tile line. Since the property will be subdivided the County Septic Ordinance requires a primary and an alternate septic site location to be identified. The applicants identified two drainfield locations that were reviewed by the Scott County Environmental Services Department. The sites were approved and the applicant has until January 12, 2021 to replace the existing system.

**Access/Road Analysis:**

The existing and proposed parcels will have lot frontage on Union Hill Boulevard (County State Aid Highway #7), a paved county road. No new residences are proposed that would generate additional traffic. Additional right-of-way will be dedicated through the administrative subdivision process.

**Township Recommendation:**

The Belle Plaine Town Board recommended approval of the request at their March monthly meeting. Their recommendation form is attached to this report.

**Staff Recommendation:**

Based on the project information submitted by the applicant and subject to the conditions of approval, the proposed rezoning conforms to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the Rezoning based on the criteria for approval listed below.

**Criteria for Approval:**

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.*  
The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for preservation of agricultural land and land in areas.
2. *The proposed use is or will be compatible with present and future land uses of the area.*  
The property use is not changing from the existing farmstead and agricultural land, and while the home lot size is being reduced the overall density will not increase.
3. *The proposed use conforms to all performance standards contained in this Ordinance.*  
The use of the property is not changing; the majority of the property will remain in agricultural production. The property has a compliant septic system.
4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*  
The use is not changing or increasing development and therefore will not adversely impact public service capacity for local service providers.
5. *Traffic generation by the proposed use is within capabilities of streets serving the property.*  
The property is served by Union Hill Boulevard, a Scott County Highway. No new residences are proposed that would otherwise generate additional traffic.

**Orderly Annexation Board Alternatives:**

1. Approve the request as recommended by Zoning Administration staff with the specified conditions.
2. Approve the request as recommended by the Zoning Administration staff with amendments to the conditions.
3. Table the request for a specific reason.

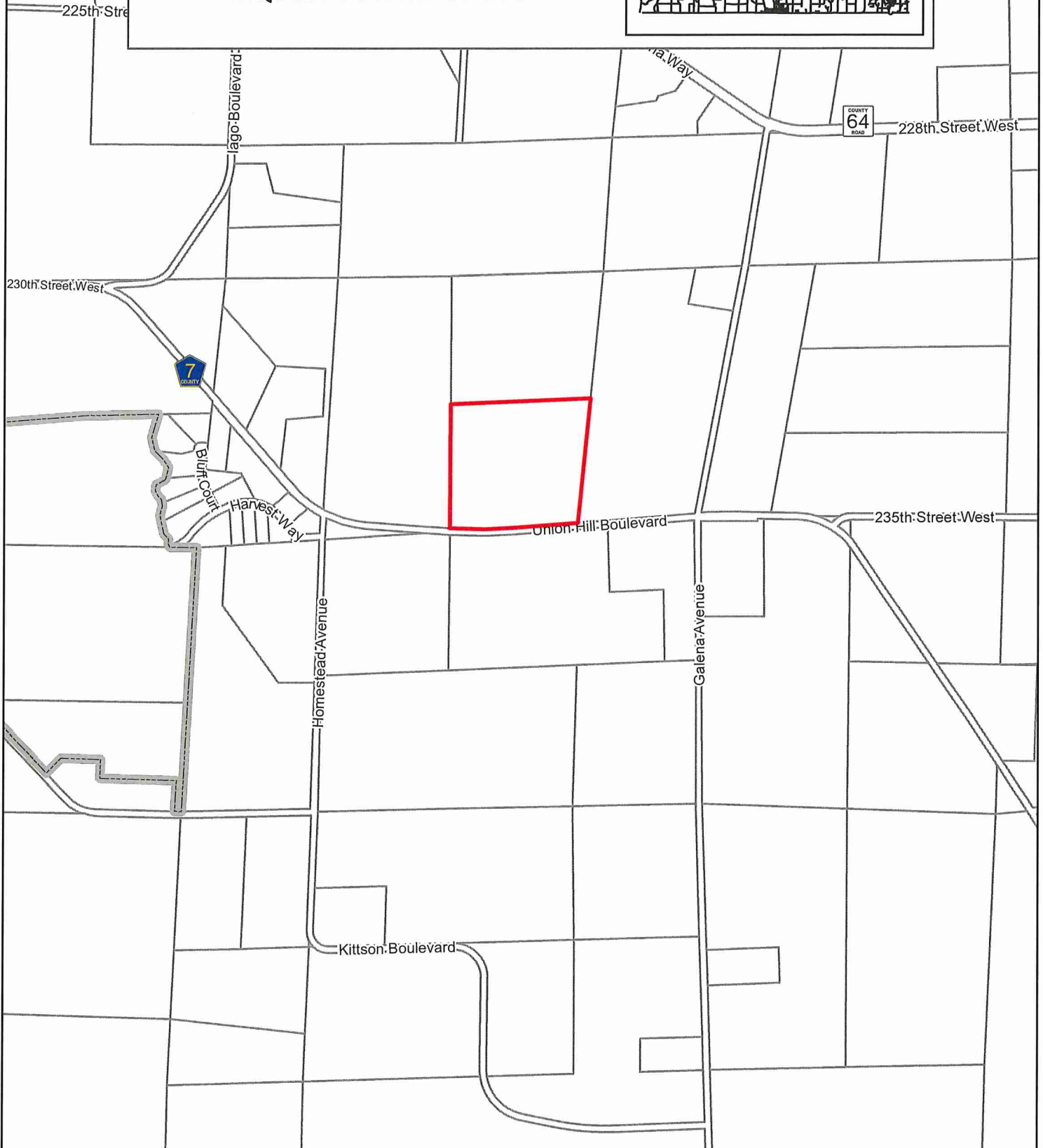
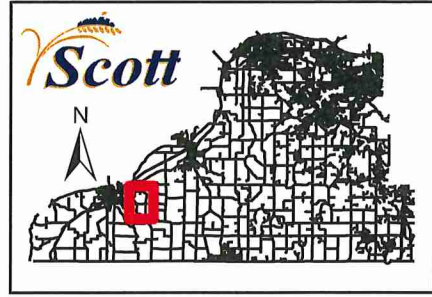


4. Deny the request for a specific reason.

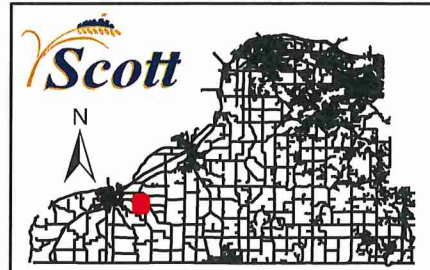
**Suggested Motion for Belle Plaine Orderly Annexation Board:**

Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning of 40 acres from UER, Urban Expansion Reserve to, UER-C, Urban Expansion Reserve Cluster District.

**BELLE PLAINE TOWNSHIP  
SECTION 9  
CANDEE LEVANDER  
REQUEST FOR REZONING**



**BELLE PLAINE TOWNSHIP  
SECTION 9  
CANDEE LEVANDER  
REQUEST FOR REZONING**



Union Hill Boulevard

Explanation of proposal. Compliance with criteria for granting Zoning Amendments for 9360 Union Hill Boulevard, Belle Plaine, MN 56011.

Proposal to rezone parcel 01-9090030 UER to UER-C; an Urban Expansion Reserve Cluster designation, consistent with the 2030 Scott County, Minnesota Comprehensive Plan in proposed usages in the present and future. One forty-acre parcel (40 deeded/37.98 calculated) will be split into two parcels: a 5-acre parcel with a house and outbuildings and the other, a 32.98-acre parcel with agricultural land and a deed stipulation.

The proposed use of these two new parcels will be: the house on 5-acres will be a dwelling with a (future) updated septic system utilizing current public services (electric and gas) and the remaining acreage will be agricultural, in accordance with the Scott County Zoning Ordinance #3, the deed recorded with a restriction to continue to be used for agricultural purposes and does not contain any right to construct a single family home until such time as the Scott County Comprehensive Plan is amended or the property is annexed in to the City of Belle Plaine, Minnesota.

Compliance includes sufficient land area to accommodate 2 individual septic systems, lot width and setbacks for front, side and rear yards are in excess of district performance standards. [Refer to survey].

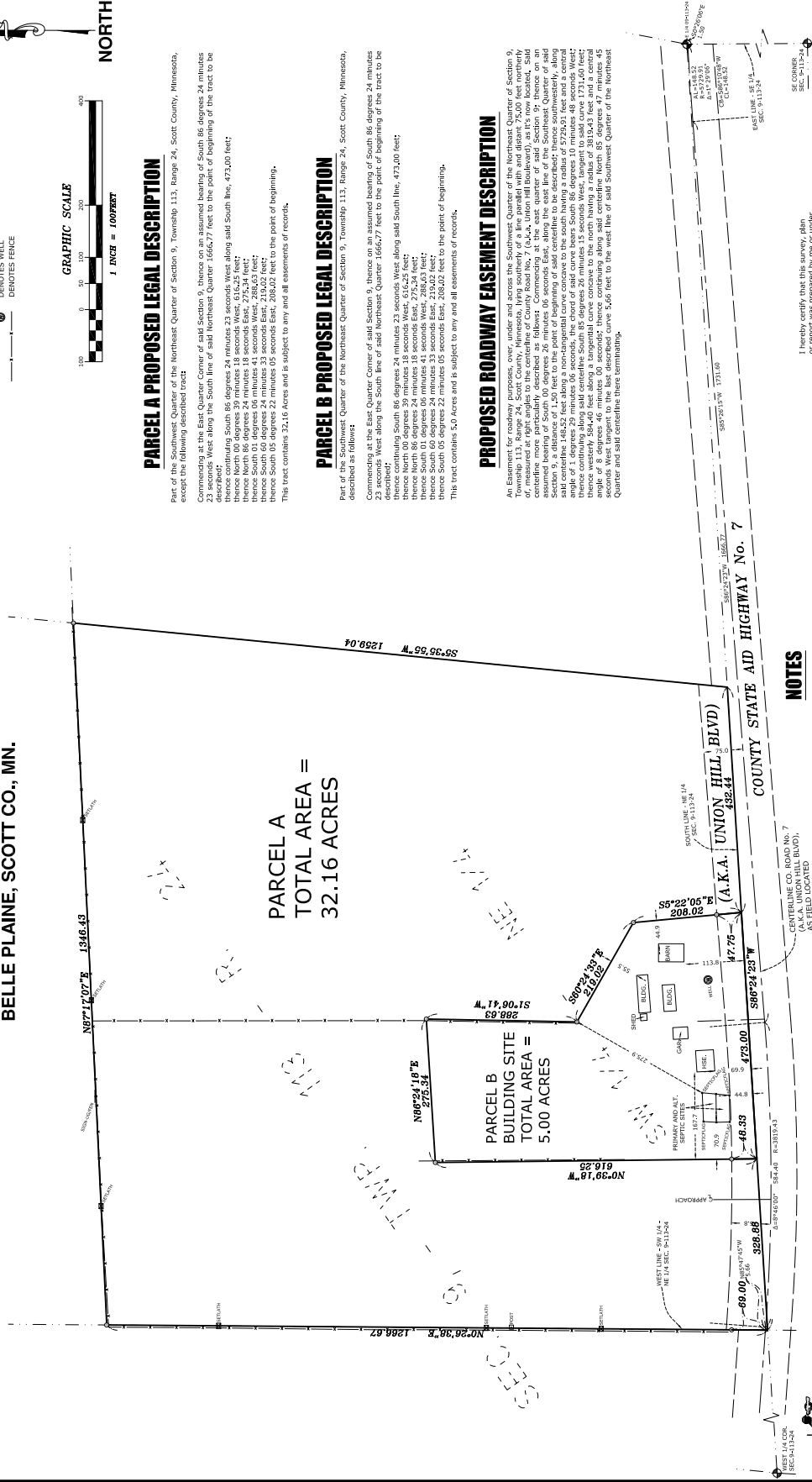
Traffic generated by the proposal will be similar to current levels as the agricultural land has been and is farmed and the house has had and will have an occupant(s); traffic should remain within capabilities of the streets serving the property.

From:  
Candee Levander  
3314 Barton Avenue  
Richmond, VA 23222  
804-874-0457



# CERTIFICATE OF SURVEY

for~ Candee Levander - 3314 Barton Ave  
Richmond, VA 23222  
~of~ SW 1/4 - NE 1/4, SEC. 9, TWP. 113, R. 24,  
BELLE PLAINE, SCOTT CO., MN.



### PARCEL A PROPOSED LEGAL DESCRIPTION

Part of the Southwest Quarter of the Northeast Quarter of Section 9, Township 113, Range 24, Scott County, Minnesota, except the following described tract:

Corresponding to the East Quarter Corner of said Section 9, thence on an assumed bearing of South 86 degrees 24 minutes 32 seconds West along the South line of said Northeast Quarter 1064.7 feet to the point of beginning of the tract to be described;

thence continuing South 86 degrees 24 minutes 32 seconds West along said South line, 473.00 feet;

thence North 00 degrees 39 minutes 18 seconds West, 61.62 feet;

thence North 80 degrees 24 minutes 18 seconds East, 275.34 feet;

thence North 00 degrees 24 minutes 18 seconds East, 275.34 feet;

thence South 60 degrees 24 minutes 33 seconds East, 219.02 feet;

thence South 05 degrees 24 minutes 33 seconds East, 208.02 feet to the point of beginning.

thence South 60 degrees 24 minutes 33 seconds East, 219.02 feet;  
thence South 05 degrees 22 minutes 05 seconds East, 208.02 feet to the point of beginning.  
This tract contains 32.16 Acres and is subject to any and all easements of records.

## PARCEL B PROPOSED LEGAL DESCRIPTION

Part of the Southwest Quarter of the Northeast Quarter of Section 9, Township 113, Range 24, Scott County, Minnesota, described as follows:

connecting at the East Quarter Corner of said Section 9, thence on an assumed bearing of South 86 degrees 74 minutes 23 seconds West along the South line of said Northeast Quarter 1666.77 feet to the point of beginning of the tract to be described;

thence South 86 degrees 24 minutes 29 seconds West along said South line, 473.00 feet;

thence South 10 degrees 39' 30" West, 180.00 feet;

thence North 01 degrees 18 minutes 41 seconds East, 616.24 feet;

thence North 86 degrees 24 minutes 18 seconds East, 275.34 feet;

thence North 01 degree 06 minutes 41 seconds West, 280.60 feet;

thence North 86 degrees 24 minutes 05 seconds East, 275.34 feet;

thence South 05 degrees 22 minutes 05 seconds East, 200.02 feet to the point of beginning.

The tract contains 5.0 Acres and is subject to any and all easements of record.

### PROPOSED ROADWAY EASEMENT DESCRIPTION

[illegible]

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 03/17/20.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 019090030.
- This survey was prepared without the benefit of title work. Additional and/or encumbrances may exist other than those shown herein. Surveyor does not warrant the accuracy of the survey. The survey is made upon receipt of a current title commitment or an attorney's title opinion.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON *Kurt Nelson*  
Date: 21APR20 License No. 45356

DRAWN BY: CBS		JOB NO: 20024JBS	DATE: 04/03/20
CHECK BY: KDN		FIELD CREW: JWM	
1	4/21/2020	REVISE ROAD ALIGNMENT	KDN
2			
3			
NO.	DATE	DESCRIPTION	BY

 **E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
990 - 5th Avenue SE, Suite 2  
HUTCHINSON, MN 55350  
TEL. HUTCHINSON: (320) 587-2025  
www.egrud.com



**SCOTT COUNTY**  
**Environmental Services**

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952) 496-8177 • Fax (952) 496-8496 • Web [www.scottcountymn.gov](http://www.scottcountymn.gov)

## Memo

**Date:** April 28, 2020  
**To:** Nathan Hall, Zoning Department  
**From:** Mary VonEschen, Environmental Services Department  
**Subject:** PL2020-0017 Levander Rezoning

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The Scott County Environmental Services Department has completed a review of the septic system locations and soil boring information for the project located at 9360 UNION HILL BLVD in Belle Plaine Township. The septic system information and soil information provided (dated 4/16/2020) appears to be in conformance with the Scott County Subsurface Sewage Treatment System Ordinance #4 and Minn. Rules Chapter 7080.

If you have any questions, please contact me at (952) 496-8344

## TOWNSHIP RECOMMENDATION FORM

On March 9th, 2020, the Town Board of Belle Plaine Township discussed with Candee Levander, the request to Rezone land to UER-C (Urban Expansion Reserve Cluster) Parcel ID# 019090030 & then do an administrative split to be 32.98 acres & 5 acres. (See attached map)

After reviewing the Request, the Town Board:



RECOMMENDS APPROVAL

WITH THE FOLLOWING CONDITIONS: none

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RECOMMENDS DISAPPROVAL

FOR THE FOLLOWING REASONS:

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HAS NO RECOMMENDATION, BUT WILL FORWARD THE REQUEST TO THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT.

SIGNED:

[Signature]

CLERK

[Signature]

SUPERVISOR

[Signature]

SUPERVISOR

[Signature]

SUPERVISOR





Levander  
Parcel  
# 019090030